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REMARKS

Claims 1-39 are pending. Claims 1, 3, 4, 6, 29, 31, 32, 34, 36 and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,102,464 to Schneider et al. ("Schneider"). Claims 2, 5, 7-28, 33, 35, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schneider.

Applicants respectfully traverse the rejections under §102 and §103 for at least the reasons set forth below.

PAGE 12/17 * RCVD AT 3/4/2005 4:40:37 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:919 954 1401 * DURATION (mm:ss):04:24

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Schneider describes a spare tire storage compartment cover 60 having a first end section 62 and a second end section 64, each formed from composition board and covered by a layer of carpet 65. The first end section 62 is hingedly joined to second end section 64 by a plastic living hinge 70. Foam pillars 80 are mounted to the underside of the front end section 62 of the spare tire storage compartment cover 60 and are designed to rest against a spare tire stored in the spare tire storage compartment 54. When items are stored in the trunk compartment 56, over top of the spare tire storage compartment cover 60, the rigid side strips 72 and the generally vertical sidewalls 76a, 76b of the central hinge portion 76 provide rigidity to the spare tire storage compartment cover 60 in addition to the added support provided by the foam pillars 80 resting against the spare tire. (Schneider, Col. 3, Line 24 - Col. 4, Line 7).

As clearly illustrated in Fig. 3 and described above, the Schneider cover utilizes foam pillars to support the cover when items are stored on the cover. Thus, Schneider fails to teach a floor mat having a pliable layer and a rigid member attached to a portion of the pliable layer such that that the pliable layer is rendered substantially non-pliable above the recessed portion, and such that the floor mat is self-supporting and can independently support a load placed thereon above the recessed portion, *without any external support from within the recessed portion*.

As viewed by the ordinary artisan, there is a great difference between Applicants' mat as claimed in independent Claim 1 and the Schneider cover. Because Schneider does not disclose all of the recited elements of independent Claim 1, Claim 1 and all claims depending therefrom are not anticipated by Schneider. For at least the same reasons, independent Claims 18, 23, 29 and 36-39, and all claims depending therefrom, are not anticipated by Schneider. As such, the rejections under 35 U.S.C. §102 are overcome.

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§103 Rejections Are Overcome

A determination under §103 that an invention would have been obvious to someone of ordinary skill in the art is a conclusion of law based on fact. *Panduit Corp. v. Dennison Mfg. Co.* 810 F.2d 1593, 1 U.S.P.Q.2d 1593 (Fed. Cir. 1987), *cert. denied*, 107 S.Ct. 2187. After the involved facts are determined, the decision maker must then make the legal determination of whether the claimed invention as a whole would have been obvious to a person having ordinary skill in the art at the time the invention was unknown, and just before it was made. *Id.* at 1596. The United States Patent and Trademark Office (USPTO) has the initial burden under § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claims, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. § 2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. § 2143.01(citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990)). As emphasized by the Court of Appeals for the Federal Circuit, to support combining references, evidence of a suggestion, teaching, or motivation to combine must be **clear and particular**, and this requirement for clear and particular evidence is not met by broad and conclusory statements about the teachings of references. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). The Court of Appeals for the Federal Circuit also has stated that, to support combining or modifying references, there must be **particular** evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000).

Furthermore, as stated by the Federal Circuit with regard to the selection and combination of references:

This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining

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whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Thus the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion....

In re Sang Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002).

The Final Action concedes that Schneider fails to disclose rigid members comprising a plurality of spaced-apart apertures formed therethrough, as recited in Applicants' Claims 7, 15, 18-20, 22, 28 and 35. However, the Final Action concludes that it would be obvious to one of ordinary skill in the art to include a plurality of spaced-apart apertures because of the motivation to reduce the weight of the floor mat. (Final Action, Page 4). Applicants respectfully disagree.

The Schneider cover is entirely formed from sheets of wood 36, 38, 40 (Fig. 1) and composition board 62, 64 (Fig. 3). Nothing in Schneider teaches or suggests that it would be desirable to reduce the weight of these elements. Weight does not appear to be of concern based upon the design of the Schneider cover because no alternative, light-weight materials are suggested or described and because no alternative configurations of the cover elements are suggested or described. As such, one skilled in the art would not be motivated based upon the teachings of Schneider to modify Schneider by forming apertures in the Schneider wood sheets and composition boards. Accordingly, Applicants respectfully request withdrawal of the present rejections of Claims 7, 15, 18-20, 22, 28 and 35 under 35 U.S.C. §103.

The Final Action concedes that Schneider fails to disclose that the rigid member (62, 64) is at least partially disposed within the pliable layer (65), as recited in Applicants' Claims 2, 10, 30 and 37. (Final Action, Page 5). However, the Final Action concludes that it would be obvious to one of ordinary skill in the art to encase the rigid layer within the pliable layer based on motivation to allow the panel to be reversible if one layer were damaged. (Final Action, Page 5). The Final Action, however, provides no cite in Schneider that teaches or suggests a reversible cover.

Applicants respectfully assert that Schneider fails to teach or suggest a rigid member at least partially disposed within a pliable layer. Nothing in the figures of Schneider

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illustrate this and nothing in the specification of Schneider teaches or suggests this or the desirability of reversing the cover. Fig. 4 from Schneider is set forth below.

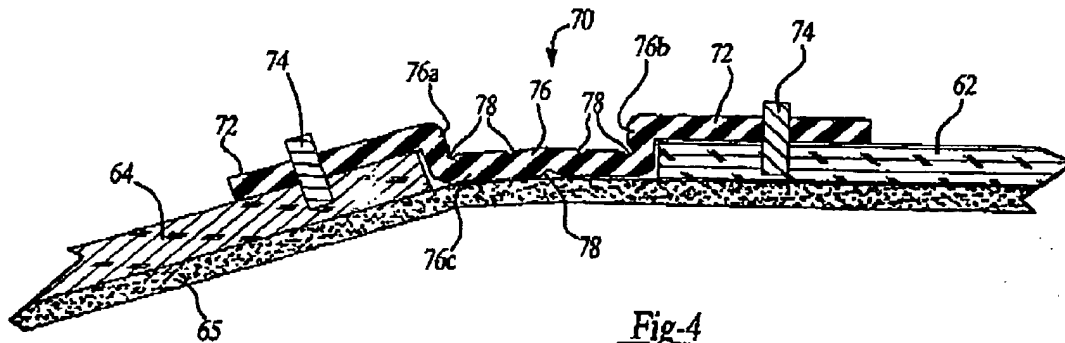


Fig-4

Clearly, the Schneider cover is not intended to be reversible. If the Schneider cover were reversed, as suggested by the Final Action, the composition boards 62, 64 would be facing upwards, the living hinge 70 and staples 74 would be facing upwards, the pillars 80 would be facing upwards and the carpeting 65 would be facing downward. As such, reversing the Schneider cover would prevent the pillars 80 from resting on a spare tire and supporting the cover. Moreover, reversing the Schneider cover would not provide an aesthetically pleasing exposed surface since the carpeting would be facing downward and the staples and wood/composition board would be facing upward. One skilled in the art would not be motivated to reverse the Schneider cover. Accordingly, Applicants respectfully request withdrawal of the present rejections of Claims 2, 10, 30 and 37 under 35 U.S.C. §103.

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

NJ Boddie II

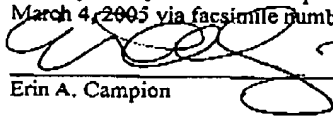
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